

Amendments

Please amend claim 1 to read as follows:

1. (Amended) An isolated nucleic acid molecule encoding a fusion polypeptide capable of binding a cytokine to form a nonfunctional complex comprising:
- a) a nucleotide sequence encoding a first fusion polypeptide component comprising the amino acid sequence of the cytokine binding portion of the extracellular domain of the specificity determining component of a receptor for the cytokine;
 - b) a nucleotide sequence encoding a second fusion polypeptide component comprising the amino acid sequence of the cytokine binding portion of the extracellular domain of the signal transducing component of a receptor for the cytokine; and
 - c) a nucleotide sequence encoding a third fusion polypeptide component comprising the amino acid sequence of a multimerizing component, wherein the receptor of a) can be the same or different from the receptor of b).

Attached herewith please find a sheet showing a marked-up copy of amended claim 1.

Remarks

On October 2, 2001, Examiner O'Hara issued an Office action rejecting claims 1-25 under 35 USC §112, first paragraph. During a telephone interview on October 23, 2001, Examiner O'Hara and Agent Linda Palladino discussed and agreed on language to amend claim 1 to clarify the receptor components based upon support in the specification. A clean copy of amended claim 1 is set forth above. In light of the above-described amendments, Applicants contend that the claims define patentable subject matter and respectfully request that the Examiner reconsider and withdraw the rejection under 35 USC §112, first paragraph and issue a Notice of Allowance for all of the pending claims.

Amendment and Response to October 2, 2001 Office Action
USSN 09/313,942
Stahl, et al.

No fee is deemed necessary in connection with filing this paper. However, if any fee is necessary, authorization is hereby given to charge the amount of any such additional fee to Deposit Account No. 18-0650.

Respectfully submitted,

Linda O. Palladino

Gail M. Kempfer
Reg. No. 32,143
Joseph M. Sorrentino
Reg. No. 32,598
Attorneys for Applicants
Linda O. Palladino
Reg. No. 45,636
Agent for Applicants
Regeneron Pharmaceuticals, Inc.
777 Old Saw Mill River Road
Tarrytown, New York 10591
(914) 345-7400

MARKED-UP VERSION

1. (Amended)

An isolated nucleic acid molecule encoding a fusion polypeptide capable of binding a cytokine to form a nonfunctional complex comprising:

a) a nucleotide sequence encoding a first fusion polypeptide component comprising the amino acid sequence of the cytokine binding portion of the extracellular domain of the specificity determining component *a receptor for the cytokine;*
~~of the cytokine's receptor;~~

b) a nucleotide sequence encoding a second fusion polypeptide component comprising the amino acid sequence of the cytokine binding portion of the extracellular domain of the signal transducing component of *a receptor for the cytokine;*
~~the cytokine's receptor; and~~

c) a nucleotide sequence encoding a third fusion polypeptide component comprising the amino acid sequence of a multimerizing component, *wherein the receptor of a) can be the same or different from the receptor of b).*